

REGULAR CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, SEPTEMBER 15, 2009

The City Council of the City of Leon Valley, Texas, met on the 15th day of September 2009 at 7:00 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

REGULAR CITY COUNCIL MEETING - 7:00 P.M.

Call to order and Pledge of Allegiance.

Mayor Riley called the Regular City Council Meeting to order at 7:05 p.m. and asked that the minutes reflect that the following members of Council were present: Garcia, Reyna, Baldrige, Dean and Nelson.

City Manager Lambert, City Secretary Feutz, Police Chief Wallace, Community Development Director Flores, Assistant Fire Chief Lee, Economic Development Director Ryan, HR Officer/Assistant City Secretary Caldera, and Assistant City Attorney Onion were also present.

Mayor Riley welcomed everyone and asked Councilman Reyna to lead the assembled group in reciting the Pledge of Allegiance.

Presentation of the Employee of the Month Award (Lambert/Mayor Riley).

City Manager Lambert explained that a new program was started last month to recognize employees who provided exceptional service to the City. He announced that one employee was recommended by several co-workers in the Fire Department, Zelda Valdez. Mr. Lambert read a short description of Ms. Valdez's accomplishments and her employment history, and Mayor Riley and Mr. Lambert presented a commemorative boxed coin to Ms. Valdez. Ms. Valdez thanked everyone and related how she enjoyed working for the Fire Department.

Citizens to be heard and time for objections to the Consent Agenda.

Mayor Riley asked Councilmembers if they wished for anything on the Consent Agenda to be removed for further discussion. Hearing no objections, she asked if anyone in the audience wished to speak for the "Citizens to be Heard" portion of the meeting.

Resident Darby Riley, President of the Historical Society of Leon Valley, invited everyone to their 9th Annual Fund Raiser - a Fall Fiesta Party/Dinner to be held on October 23, 2009 at 7:00 p.m. He advertised tickets were on sale for \$35 and thanked everyone for their support.

Resident JoAnn Petersen, 6113 Jeff Loop, addressed Council stating her family could not afford to be put into debt with a forced buyout for flood control and asked the City to look at other alternatives. Mayor Riley and City Manager Lambert informed the speaker that Bexar County Flood Control had called a meeting for the residents affected by the proposed buy out for October 26, 2009 at 7:00 p.m. in the Conference Center.

Seeing no one else to come forward for the "Citizens to be heard" portion of the meeting, Mayor Riley thanked everyone for bringing their comments to Council and asked for a motion to

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approve the following Consent Agenda items:

Consent Agenda

Consider action to approve minutes of the Regular City Council Meeting of September 1, 2009 (Feutz).

Consider action on Plat #09-116 - a request by Denham & Ramones Engineers on behalf of the Virginia Murchison Trust, property owner, to plat 6.844 acres of land to Lots 7, 8 and 9, Block 8, CB 4445, creating the Murchison-Huebner Subdivision in the 7500 block of Huebner Road (Flores).

Consider action on Amending Plat #08-115 - a request by Terry Engineering on behalf of Raul and Emma Bribiescas, property owners, to amend original Plat #08-111, being Lots 1-19, Block 10, CB 4429, in the 5300 block of Blackberry Drive, to make administrative corrections to the Brisa Estates Subdivision plat (Flores).

Consider action on M&C #09-03-09 - with attached ordinance - a request to amend Leon Valley Code of Ordinances, Chapter 8, "Offenses and Nuisances," Article 8.03 "Graffiti," Section 8.03.074 "Removal Required" and Section 8.03.075 "Notice to Remove" to include new legislative language as prescribed by Texas House Bill 2086 (Flores).

Consider action to approve a Resolution appointing a new member to the Bandera Road Site - Community Advisory Group - S. Baird (Mayor Riley).

A motion was made by Councilman Garcia, seconded by Councilmember Baldrige, to approve the Consent Agenda items. Upon unanimous vote, Mayor Riley announced the motion carried.

Action Agenda

Consider action on Resolution to request the Texas Department of Transportation (TxDOT) and the Metropolitan Planning Organization (MPO) to remove Bandera Road, in Leon Valley, from the long range plan comprehensive development agreement (CDA) and include Bandera Road (S.H. 16) in the regular funding options for future transportation improvements. (Mayor Riley/Lambert).

Mayor Riley provided a short explanation on the history of Leon Valley's efforts to insure funding for highway improvements for Bandera Road and asking for funding options to be considered other than toll funding.

Council discussion expressed their concerns about asking the MPO to remove them from one form of funding without understanding other funding options available for Leon Valley and finding the proper tool to ask for consideration of other funding options for Bandera Road and mass transportation enhancements. Council discussed the history of communications between the City and the Metropolitan Planning Organization. Councilmembers expressed the need for time to reword the resolution to meet the mission and to consider a resolution supporting VIA

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Metropolitan Transit's long range mass transportation plan.

Following discussion, a motion was made by Councilman Reyna, seconded by Councilman Dean, to postpone any action on the resolution until the Chair calls it back. Upon vote, Mayor Riley announced the motion carried.

Consider discussion and action on a request from an employee association to begin City payroll deductions for their association dues (Lambert).

City Manager Lambert explained that the Leon Valley Firefighter Association had submitted a letter requesting that their Association dues be deducted from their City payroll every two weeks. He explained that this is not a current policy of the City and therefore he was asking Council for their input on this request, as it involved a policy change for the City. Mr. Lambert explained that when a city reaches a population in the census of 10,000, the law allows for certain personnel options that are not in use with a population of less than 10,000 and he stated that he felt that the 2010 Census would bring Leon Valley over the 10,000 mark.

Councilman Reyna announced that he has a history with associations which is supportive of the type of request presented to the City Manager and he has been a lobbyist for the sheriff's organized group in the past and that he felt this request was an administrative decision. There was no disagreement on the payroll deduction policy question from any member of Council.

No action was taken by Council on the request. Mr. Lambert stated that he would move forward with a policy decision on this request.

Discussion Agenda

Discussion on the award of Superfund Redevelopment Project in EPA Region 6 to Leon Valley (\$35,000) and update on other grant activities (K. Word).

Grant Writer Word addressed Council providing a summary on grant activities that she has been working on for the City.

Ms. Word summarized the Superfund Redevelopment Program stating that the City has been approved to receive funds for the purpose of creating a re-use plan for the Bandera Road Superfund Site and will be the first Superfund Redevelopment Project in EPA Region 6 giving the city the opportunity to integrate Superfund remediation with reuse planning with seed money of \$35,000. She explained that E² Inc., a contractor, will be used for this project by the EPA.

Other activities Ms. Word described that she is investigating as grant sources for the City included: a TIGER grant, AACOG solid waste grant for a new oil igloo and illegal dumping cameras for Code Enforcement, the Apache Tree grant to support the Tree Advisory Board's Arbor Day event, EECBG Grant for solar panels, SECO transportation grant to consider compressed natural gas as an alternative fuel for city vehicles, Texas Emission Reduction Plan programs, and AACOG clean cities programs.

Discussion on a Regular City Council Meeting policy and Council consideration of any

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appropriate action following discussion. This item was postponed from Sept. 1, 2009 Regular City Council meeting to this meeting. (Councilman Reyna/Lambert).

Councilman Reyna explained that his concerns about discussion items versus items that are being considered for action under a discussion item on the agenda.

Mayor Riley asked that a section of the agenda continue to carry agenda items that are purely discussion to allow for Council to discuss items before the item is listed on the agenda for action. The City Attorney agreed that it was allowed under the law.

Councilmembers agreed they still wanted a discussion portion of the agenda for purely discussion of issues to continue. No formal action was taken on this agenda item.

City Manager's report (Lambert).

City Manager Lambert reminded everyone of the TML Regional dinner/ meeting the next evening and volunteered to drive for a car pool to the event.

A. Finance Report for month of August 2009.

City Manager Lambert presented an overview of the City's revenue and expenses for the last month. He reported that the financial trends continued as last month. He reported on lower revenues from Hotel Occupancy Taxes and attributed that to hotel renovations and the weak general economy. He reported that water sales were up, but expenditures for water main breaks in the drought were also up.

B. Monthly reports for August 2009.

City Manager Lambert asked Council if they had any questions about the August monthly reports included in their packets from each department. Police Chief Wallace gave an oral presentation on the month's activities in the Police Department providing statistical evidence of police department activities for the last month.

Councilmember Nelson reported on the compassionate assistance from an employee of the Northside Independent School District who had helped with a wounded animal on the side of the road at the beginning of September and who had stayed with the animal until Leon Valley's Animal Control Officer could arrive to bring the animal to the Vet.

C. CDBG grant update for park bridge on Poss Road.

Mr. Lambert reported that the bridge was being planned to provide access for all to the park including handicap access to our accessible playground. He reported that a variance will be needed from the requirement for the bridge to be one-foot (1') above the flood plane that will cause the ramps to the bridge to be excessively longer than originally planned.

Citizens to be heard.

Resident Pedro Esquivel addressed Council to compliment the City on their Employee of the

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Month program and to compliment Police Officer Martinez for his public relations in the community and he also complimented on the wonderful customer service that the Leon Valley EMS also provides.

Announcements by Councilmembers and Mayor.

- A. Historical Society Fall Fiesta Dinner Event - Friday, October 23, 2009**
Mayor Riley invited everyone to attend.
- B. National Night Out Event - Tuesday, October 6, 2009 - City-wide**
Everyone was reminded that from 7 pm - 10 pm National Night Out (NNO) activities would be going on in Leon Valley on Tuesday, October 6, 2009. Members of Council would be traveling with police officers to visit NNO parties in the City. Mayor Riley also reminded everyone that the Council meeting was moved to Monday, October 5, 2009 at 7:00 p.m.
- C. Open Meetings Act Training - September 30, 2009 - 6:30 p.m. - City Hall**
Mayor Riley announced that Open Meetings Act training would be held at City Hall for appointed volunteers and anyone on Council who wishes to attend.

Mayor Riley also congratulated Councilmember Baldrige for being recognized in the San Antonio Business Journal as a highlighted politician in real estate. Mayor Riley also announced that Councilman Reyna was nominated to be the next TML Region 7 President with the election to take place the next evening at the TML Region 7 Fall Dinner meeting.

Councilman Reyna reminded everyone that September 19, 2009 was "Talk Like a Pirate" day.

Councilman Reyna asked that, as the Legislature does for special times, when this meeting is adjourned that it be adjourned in honor and memory of Lura McKamie, mother of City Attorney Mick McKamie.

Convene into executive session in accordance with the Texas Government Code, Section 551.071, "Consultations with Attorney" regarding notice of pending litigation from attorney David L. McLane and to discuss on-going litigation involving The Elijah Group, Inc.

Mayor Riley announced at 8:58 p.m. that the Council would convene into executive closed session in accordance with the Texas Government Code, Section 551.071, "Consultations with Attorney" regarding notice of pending litigation from attorney David L. McLane and to discuss on-going litigation involving The Elijah Group, Inc. .

Reconvene into open session and consider discussion and any action as appropriate from executive session.

Mayor Riley reconvened Council back to open meeting session at 9:24 p.m. and announced that no action was being taken.

Adjourn.

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Hearing no further business or discussion, a motion was made by Councilmember Dean, seconded by Councilman Garcia, to adjourn the meeting in honor and memory of Lura McKamie, mother of City Attorney Mick McKamie. Mayor Riley announced the meeting adjourned at 9:25 p.m.

Mayor Chris Riley

ATTEST

Marie Feutz, City Secretary

Minutes were approved by majority vote of City Council at the Oct. 5, 2009 Regular City Council Meeting.